



Att'y Dkt. No. US-103
U.S. App. No. 10/716,470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gunji et al.

Appl. No.: 10/716,470

Filing Date: November 20, 2003

Title: METHOD FOR PRODUCING L-LYSINE OR
L-ARGININE BY USING METHANOL-
ASSIMILATING BACTERIUM

Art Unit: 1652

Examiner: to be assigned

Atty. Docket: US-103

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐c. Attached is our check no. _____ in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages _____ of the specification of the present application.

☐5. The document(s) was/were cited in a corresponding foreign application. ☐ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).

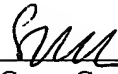
☒6. A concise explanation of the relevance of the non-English language document(s) ☒ is attached hereto or ☐ appears below.

- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. Other: _____.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By: _____


Shelly Guest Cermak
Reg. No. 39,571

Date: April 6, 2004

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FORM PTO 1449	ATTY. DKT. NO.: US-103	APP. NO.: 10/716,470
INFORMATION DISCLOSURE STATEMENT		
APPLICANT(S): Gunji et al.		
FILING DATE: November 20, 2003		Group Art Unit: 1652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	USP 3,907,637	23 Sep. 1975	Kiyoshi Nakayama et al	195	29	5 April 1974
	USP 3,907,641	23 Sep. 1975	Kiyoshi Nakayama et al	195	49	5 April 1974
	USP 5,217,883	8 Jun. 1993	Hideharu Anazawa et al	435	252.3	2 August 1991
	USP 5,972,663	26 Oct. 1999	Christoph Winterhalter et al	435	252.32	16 June 1998

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	JP45-25273	21 Aug. 1970	Japan			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	JP50-25790	18 Mar. 1975	Japan	C12D	13/06	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	JP52-18886	12 Feb. 1977	Japan	C12D	13/06	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	WO90/12105	18 Oct 1990	PCT	C12P	13/04	<input type="checkbox"/> Yes <input type="checkbox"/> No
	AU724536		Australia	C12N		<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 1016710	5 Jul. 2000	EPO	C12N	1/20	<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 1188822	20 Mar. 2002	EPO	C12N	1/21	<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

	Marina Vrljic et al., A new type of transporter with a new type of cellular function: L-lysine export from <i>Corynebacterium glutamicum</i> , Molecular Microbiology, 1996, p. 815-826, Vol. 22, No. 5
	H. Motoyama et al., Effects of the amplification of the genes coding for the L-threonine biosynthesis enzymes on the L-threonine production from methanol by a gram-negative obligate methylotroph, <i>Methylobacillus glycogens</i> , Appl. Microbiol. Biotechnol., 1994, p. 67-72, Vol. 42
	L. V. Kletsova et al., Mutants of the obligate methylotroph <i>Methylobacillus flagellatum</i> KT defective in genes of the ribulose monophosphate cycle of formaldehyde fixation, Arch. Microbiol., 1988, p. 441-446, Vol. 149
	Neil R. Wyborn et al., Molecular characterization of formamidase from <i>Methylophilus methylotrophus</i> , Eur. J. Biochem., 1996, p. 314-322, Vol. 240
	A. Bellmann et al., Expression control and specificity of the basic amino acid exporter LysE of <i>Corynebacterium glutamicum</i> : Microbiology, 2001, p. 1765-1774, Vol. 147
	Owen Jenkins et al., <i>Methylophilus</i> : a New Genus of Methanol-Utilizing Bacteria, International Journal of Systematic Bacteriology, Oct. 1987, p. 446-448, Vol. 37, No. 4
	Téizi Urakami et al., Emendation of <i>Methylobacillus</i> : Yordy and Weaver 1977, a Genus for Methanol-Utilizing Bacteria, International Journal of Systematic Bacteriology, Oct. 1986, p. 502-511, Vol. 36, No. 4

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	